IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.959 OF 2006

IN

APPEAL FROM ORDER NO.714 OF 2006

Mr. Mohammad Hussain Mujawar & Ors. ..Applicants

versus

Adam Ibrahim Mujawar & Ors. .. Respondents

...

Mr. D.M. Gupte for applicants.

Mr. V.B. Rajure i/b. Tejpal S. Ingale for respondents no.1 & 2

CORAM : D.G. KARNIK, J

DATED :5th October, 2006.

P.C:-

1. Heard counsel for the parties.

2. The impugned order is an order of remand. In the facts and circumstances of case I do not think appropriate to stay the order of remand and stay the

proceedings before the trial court. The appellant can be sufficiently protected by directing that the final order passed by the trial court shall not be executed until the decision of the appeal by this Court. Hence I pass the following order:-

O R D E R

Civil application is rejected, however the order passed by the trial court shall be always subject to the decision of appeal by this Court and shall not be executed until the decision of the appeal.

(D.G. KARNIK, J.)